

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Docket No.
)	CR-02-0681 (JG)
)	
ROBERT DENTON,)	
)	
Defendant,)	
)	
and)	
)	
MERRILL LYNCH,)	
)	
Garnishee.)	

APPLICATION FOR WRIT OF CONTINUING GARNISHMENT

The United States of America hereby makes application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States District Court to issue a Writ of Continuing Garnishment against property, in which the Defendant-Judgment Debtor Robert Denton ("Debtor") has a substantial nonexempt interest, in order to satisfy the judgment, in the amount of \$305,100.00, plus interest, through July 28, 2009, entered in the United States v. ROBERT DENTON, CR-02-0681 (E.D.N.Y.).

The sum of \$78,600.00 has been credited toward the judgment, leaving a total balance due of \$242,097.33, plus interest, as of July 28, 2009.

Debtor's last known address is: 10228 NW 63rd Drive, Parkland, FL 33076.

More than thirty (30) days has elapsed since demand for payment of the above-stated debt was made upon the Debtor and

Debtor has failed to satisfy the debt.

The Garnishee is believed to owe or will owe money or property to the Debtor, or is in possession of property of the Debtor, and said property is a nonexempt interest of the Debtor.

The name and address of the Garnishee or his authorized agent is:

Merrill Lynch
717 5th Avenue - 7th Fl.
New York, NY 10022

Dated: Brooklyn, New York
July 28, 2009

BENTON J. CAMPBELL
United States Attorney

s/ Beth P. Schwartz
BETH P. SCHWARTZ
Assistant U.S. Attorney
(718) 254-6017

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WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: MERRILL LYNCH
717 5th Avenue - 7th Fl.
New York, NY 10022

This Writ of Continuing Garnishment is issued, pursuant to the filing of an Application for a Writ of Continuing Garnishment by the United States, against property, including nonexempt disposable earnings, in which the Defendant-Judgment Debtor ("Debtor") Robert Denton has a substantial nonexempt interest, in order to satisfy the judgment, in the amount of \$305,100.00, plus interest through July 29, 2009, entered in the United States v. ROBERT DENTON, CR-02-0681 (E.D.N.Y.)

The sum of \$78,600.00 has been credited toward the judgment, leaving a total balance due of \$242,097.33, plus interest as of July 28, 2009.

Debtor's last known address is: 10228 NW 63rd Drive,
Parkland, FL 33076.

The Garnishee, Merrill Lynch, is required to serve a written answer within ten (10) days of service of the Writ of Continuing Garnishment.

In its answer, the Garnishee must provide the following information under oath:

a. Whether the Garnishee has in its possession, custody or control any property of the Debtor, including non-exempt, disposable earnings;

b. A description of such property and the value of such interest;

c. A description of any previous garnishments to which such property is subject and the extent to which any remaining property is not exempt; and

d. The amount of the debt the Garnishee anticipates owing to the Debtor in the future and whether the period for payment will be weekly or another specified period.

The Garnishee must file the original written answer to this writ within ten (10) days of receipt of this writ with Clerk of the Court at the following address:

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East, Rm. S118
Brooklyn, NY 11201

The Garnishee is further required to serve a copy of
this answer upon the following:

Beth P. Schwartz
Assistant U.S. Attorney
United States Attorney's Office
Attorney for the United States
271 Cadman Plaza East, 8th Floor
Brooklyn, New York 11201.

In accordance with the Writ of Continuing Garnishment,
the Garnishee is further required to withhold and retain, pending
further order of the court, any property, in which the Debtor has
a substantial non-exempt interest and for which the Garnishee may
become indebted to the Debtor.

Under the law, certain property is exempt from this
Writ of Continuing Garnishment. Property which is exempt and
which is not subject to this order is listed on the attached
Claim for Exemption form.

**IF THE GARNISHEE FAILS TO ANSWER THE WRIT OF CONTINUING
GARNISHMENT OR WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE
UNITED STATES MAY PETITION THE COURT FOR AN ORDER REQUIRING THAT
THE GARNISHEE APPEAR BEFORE THE COURT TO ANSWER THE WRIT AND TO
SO WITHHOLD PROPERTY BEFORE THE APPEARANCE DATE. IF THE
GARNISHEE FAILS TO APPEAR OR APPEARS AND FAILS TO SHOW GOOD CAUSE
WHY THE GARNISHEE FAILED TO COMPLY WITH THE WRIT, THE COURT SHALL**

ENTER JUDGMENT AGAINST THE GARNISHEE FOR THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY. THE COURT MAY AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND AGAINST THE GARNISHEE IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED THEREIN AND A PETITION REQUIRING YOU TO APPEAR IS FILED AS PROVIDED HEREIN.

Pursuant to 15 U.S.C. §1674, the Garnishee is prohibited from discharging the Debtor from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

It is unlawful to pay or deliver to the Debtor any item attached by this writ.

Dated: July , 2009

HONORABLE ROBERT C. HEINEMANN
Clerk of the Court
U.S. District Court
Eastern District of New York

UNITED STATES DISTRICT COURT
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INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR
CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that property in which you have a substantial non-exempt interest is being garnished from the Merrill Lynch ("Garnishee") by the United States, which has a judgment dated July 11, 2003 against Robert Denton, Defendant Judgment Debtor ("Debtor"), in the United States v. ROBERT DENTON, CR-02-0681, in the amount of \$305,100.00, plus interest through July 28, 2009.

The outstanding balance on the aforesaid judgment is \$242,097.33, plus interest, as of July 28, 2009. In addition, you are hereby notified that there are exemptions under the law which may protect some of this property from being taken by the United States if you can show that the exemptions apply. Property which is exempt and which is not subject to this order

is listed on the attached Claim for Exemption form.

If you are Robert Denton, you have a right to ask the court to return your property to you if you think the property that the United States is taking qualifies under one of the above exemptions or if you think you do not owe the money to the United States that it says you do.

If you want a hearing, you must notify the court within 20 days after you receive this notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at the following address:

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East, Rm. S118
Brooklyn, NY 11201

If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Clerk of the Court at the following address:

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East, Rm. S118
Brooklyn, NY 11201

You must also send a copy of your request to the United States at the following address:

Beth P. Schwartz
Assistant U.S. Attorney

United States Attorney's Office
Attorney for the United States
271 Cadman Plaza East, 8th Floor
Brooklyn, New York 11201

so that the United States will know that you want a hearing.

The hearing will take place within 5 days after the Clerk of the Court receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing, you may explain to the judge why you believe that the property that the United States has taken is exempt or why you think that you do not owe the money to the United States.

Furthermore, Merrill Lynch as Garnishee, is required to file a written answer to the Writ of Garnishment with the court. The Garnishee is further required to serve you with a copy of the answer.

You may also file a written objection to the answer of the Garnishee within 20 days after receipt of the answer. In your objection to the answer, you may also request a hearing.

Your written objection must set forth the grounds for any objection and you shall retain the burden of proving such grounds.

A copy of the objection and request for a hearing shall be filed with the Court, and a copies served on Beth P. Schwartz, Assistant U.S. Attorney, United States Attorney's Office, 271 Cadman Plaza East, 8th Floor, Brooklyn, New York 11201, on behalf of the United States of America, and the Garnishee or counsel for

the Garnishee.

If a hearing is requested, the court shall hold a hearing within 10 days after the request is received by the court, or as soon thereafter as is practicable. The court will give notice of the hearing date to all parties. At the hearing you may explain to the judge why you think you do not owe the debt to the United States or why you think the garnished property qualifies under one of the above exemptions.

If you do not request a hearing within 20 days of receiving after receipt of the answer of the Garnishee, the court shall promptly enter an order directing the Garnishee as to the disposition of your nonexempt interest in the property.

If you think you live outside the federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the court to the federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court, United States Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201. You must also send a copy of your request to the Beth P. Schwartz, Assistant U.S. Attorney, United States Attorney's Office, 271 Cadman Plaza East, 8th Floor, Brooklyn, New York 11201, so that the Government will know that you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Dated: July , 2009

HONORABLE ROBERT C. HEINEMANN
Clerk of the Court
United States District Court
Eastern District of New York

_____ **I request a hearing**

Date

Defendant

